

1 Jeffrey D. Olster
Nevada Bar No. 8864
2 Jeff.Olster@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
3 6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
4 Tel: (702) 893-3383
Fax: (702) 893-3789
5

Attorneys for Defendant
6 *SECURITY NATIONAL INSURANCE COMPANY*

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 WFTLV01, LLC, a Nevada limited liability
company,

11 Plaintiff,

12 vs.

13 SECURITY NATIONAL INSURANCE
14 COMPANY, a Delaware corporation

15 Defendant.
16
17

Case No. 2:20-cv-01845-JCM-BNW

**STIPULATION FOR BRIEFING
SCHEDULE ON DEFENDANT'S
RENEWED MOTION TO DISMISS**

18 Plaintiff WFTLV01, LLC and defendant SECURITY NATIONAL INSURANCE
19 COMPANY, through their respective counsel, and pursuant to LR IA 6-1 and LR 7-1, stipulate to
20 the following briefing schedule for Defendant's renewed motion to dismiss.

21 1. In its Order issued on March 25, 2022 (ECF No. 44), this Court stayed this case "to
22 receive material guidance from the Ninth Circuit" in the pending case of *Circus Circus LV, LP v.*
23 *AIG Specialty Ins. Co.*, No. 21-15367. (ECF No. 44 at 2:11 – 3:2). Specifically, this Court ordered
24 a stay of this case until the Ninth Circuit files its decision in the *Circus Circus* case. (*Id.* at 3:4-6).¹
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27 ¹ Additionally, the parties have agreed to stay discovery pending the final resolution of
Defendant's motion to dismiss. (ECF No. 38).
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2. This Court also denied all pending motions without prejudice. (ECF No. 44 at 3:8-10). These motions were Defendant's motion to dismiss (ECF No. 21) and Defendant's motion for leave to file statement of supplemental authorities for the motion to dismiss (ECF No. 43). This Court also granted leave to refile after the Ninth Circuit has ruled. (ECF No. 44 at 3:8-10).

3. On April 15, 2022, the Ninth Circuit issued its unpublished ruling in the *Circus Circus* case, which affirmed this Court's dismissal of the insured's complaint. *See Circus Circus LV, LP v. AIG Specialty Ins. Co.*, 2022 U.S. App. LEXIS 10298 (9th Cir. April 15, 2022).

4. On May 6, 2022, the parties stipulated to extend the stay based on the anticipated filing of a petition for en banc rehearing in the *Circus Circus* case. (ECF No. 46).

5. On or about May 24, 2022, the Ninth Circuit denied the plaintiff's petition for panel rehearing and rehearing en banc in the *Circus Circus* case. The Ninth Circuit's mandate issued on June 1, 2022.

6. In accordance with the Court's Order (ECF No. 44) and the parties' Stipulation (ECF No. 46), Defendant now intends to file its renewed motion to dismiss. The parties have agreed on the following briefing schedule for this renewed motion:

July 29, 2022:	Defendant's motion
August 26, 2022:	Plaintiff's response
September 16, 2022:	Defendant's reply

7. This stipulation is made in good faith and for good cause, and not for any purpose to delay.

1 8. The parties further agree that this stipulated briefing schedule does not operate as
2 any admission or waiver of any claim or defense by Plaintiff or Defendant.

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4 DATED this 27th day of June, 2022.

DATED this 27th day of June, 2022.

5 KENNEDY & COUVILLIER, PLLC

LEWIS BRISBOIS BISGAARD & SMITH
LLP

6
7 /s/ Maximiliano D. Couvillier

/s/ Jeffrey D. Olster

8 Todd E. Kennedy

Jeffrey D. Olster

9 Nevada Bar No. 6014

Nevada Bar No. 8864

Maximiliano D. Couvillier III

6385 S. Rainbow Boulevard, Suite 600

Nevada Bar No. 7661

Las Vegas, Nevada 89118

10 3271 E. Warm Springs Road

Attorneys for Defendant

Las Vegas, Nevada 89120

11 *Attorneys for Plaintiff*

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15 **ORDER**

16 IT IS SO ORDERED.

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18 *James C. Mahan*
UNITED STATES DISTRICT JUDGE

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20 Dated: July 1, 2022
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